

REMARKS

Claims 1-69 are pending. New claim 69 has been added.

Applicants hereby elect the subject matter of Group VIII (Claims 48 and 49) for prosecution in this application. New claim 69 is believed to read on Group VIII. This election is made with traverse

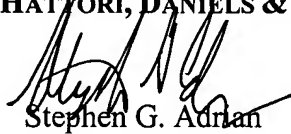
It is respectfully submitted that Group VII (Claims 45-47) should be included with Group VIII. Each of Group VII and VIII is drawn to a process for producing an optically active aziridine-2-carboxylic acid derivative using an optically active 3-haloalamine derivative represented by formula (1), as characterized by the Examiner. A thorough search and examination of either group would necessarily include the search and examination of the other group. As such, it is believed that the Examiner can examine the claims of Groups VII and VIII without serious burden. See MPEP §803. It is respectfully submitted that the policy set forth in MPEP §803 be applied so as to avoid undue expense to applicants and duplicative examination by the Office.

Response to Restriction Requirement
Serial No. 10/716,430
Attorney Docket No. 011392 A

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Stephen G. Adrian", is written over the printed name.

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